

REMARKS

Applicant is in receipt of the Restriction Requirement mailed on March 12, 2007. The Restriction identified two patentably distinct species based on the disclosed figures of the Application:

Species I: Figs. 1 and 3

Species II: Figs. 2 and 4

Applicant traverses the restriction requirement on grounds that the Restriction offers no sufficient evidence that the requirements for restriction have been met. The Examiner simply states that Figs. 1,3 and Figs. 2, 4 are two different/distinct apparatus, method for fan control. The Examiner does not indicate which of the claims recite limitations disclosed only for alleged Species I, and which of the claims recite limitations disclosed only for alleged Species II. Applicant submits that the present claims are directed to a single disclosed embodiment. It is clearly stated in MPEP 806.03, “Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.” It is further stated in MPEP 806.04(f), “Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.” Thus, the Restriction does not clearly indicate how the criteria for restriction based on different disclosed species have been met.

Furthermore, the Examiner does not specifically point out the specific details and features by which Species I and Species II differ from each other. In addition, Applicant respectfully submits that Figs. 1, 3, and Figs. 2, 4 do not disclose two patentably distinct species. It is clear from the figures that Autofan Block 100 is included in its entirety in Fig. 2. It is stated in paragraph [0021] of the specification “Fig. 1 illustrates a block diagram of an autofan block 100.” It is then further stated in paragraph [0024] “Fig. 2 is a block diagram of an enhanced autofan block 200 wherein autofan block 100 is operating in conjunction with a sensor mapper 204 according to

certain but not other principles of the present invention.” This clearly indicates that Fig. 1 shows one part of a whole system disclosed as an embodiment of the present invention, with Fig. 2 disclosing additional details of said embodiment. Since Fig. 3 illustrates a block diagram representing three individual operations of the autofan block of Fig. 1, and Fig. 4 illustrates one embodiment of the mapping of sensor inputs and corresponding sensor parameters to an autofan block such as the enhanced autofan block of Fig. 2, those two figures also merely represent different hierarchical levels and/or subsets/components of the operation of an embodiment of the present invention.

For at least these reasons Applicant respectfully requests removal of the restriction stemming from having identified two allegedly patentably distinct species based on the disclosed figures of the Application.

With respect to the Restriction that has been made, Applicant respectfully submits that all pending claims are directed to identified species 2, Figures 2 and 4 (as well as Figures 1 and 3, as they are not believed to be different species).

CONCLUSION

The present response is believed to be a complete response to the issues raised in the office action in full reconsideration. A favorable reaction is respectfully requested. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5707-04400/JCH.

Respectfully submitted,

/Jeffrey C. Hood/

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